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Board Meeting – November 4, 2013

21st Floor – Conference Room 1

Present Board Members:

- Walter White, Executive Office of Public Safety Designee, Chair (WW)
- Myra Berloff, Massachusetts Office on Disability (MB)
- Mark Trivett, Member (MT)
- Andrew Bedar, Member (AB)
- Carol Steinberg, Member (CS)

and

- Thomas Hopkins, Executive Director
- Kate Sutton, Program Coordinator/Clerk for Proceedings (KS)

Members Not Present:

- Raymond Glazier, Executive Office on Elder Affairs Designee (RG)
- Gerald LeBlanc, Member (GL)
- Diane McLeod, Vice Chair (DM)

- Meeting began at 9:10 a.m.

1) **Discussion:** Isabella Stewart Gardner Museum, 250 Fenway, Boston (V11-147, C12-031 & C12-189)

TH - new submittal from Petitioners regarding Monk Garden pathways (EXHIBIT)
- some areas have 36" other areas are less than 36", 48" required for walkways

MB - what is the measurement of the under 36" areas
- why can it not be mitigated

CS - can't we allow the blue and ask for more dimensions on the rust

CS - *grant the variance for the areas of the submittal noted as 36" or wider (blue highlighted areas); request more details on the rust areas*

MT - *second –CS, MT for and MB and AB opposed, WW votes in favor of the motion, motion carries*

2) Incoming Discussion: 42 Merrimac St., Newburyport (V13-276)

TH - new submittal from Petitioner (EXHIBIT)

- previously presented on 10/21/13

- permit for the project was issued in 2009

- addition and second story on the building

- seeking a variance for no access

- affidavit submitted, but states that the second is for private use only with separate entrance; may be used as private office or residence

- also photos submitted by Barbara Kneeland

- forwarded some affidavits to the lawyer which were previously approved by the Board

MB - addition is bigger than the original building

TH - addition was kitchen for the first floor sub shop

- second floor was built as his second floor office

MB - need to submit an affidavit; law practice is not a private employee only space

MB - *stay the order of the Board*

MT - *second - carries*

3) Discussion: Parish of All Saints, 209 Ashmont St., Dorchester (V13-081)

TH - EXHIBIT – submittal from petitioners

- solution for access to the gym

- plan to install a vertical wheelchair lift to the gym

MT - *accept the plan as presented, on the condition that the lift is installed inspected by the end of the project*

MB - *second - carries*

Raymond Glazier, Executive Office on Elder Affairs Designee (RG) – Now Present

4) Incoming: Two Walkway locations, Babson College, 10 College Dr., Wellesley (V13-284)

TH - EXHIBIT – variance application

- 200 bed residence hall

- new construction

- seeking variance for 2 new walkways
- both walkways have steps
- all other entrances and exits are accessible by other walkways that comply
- built this way because of grade around the building
- would need a 96 foot ramp for \$26,000 and 58 feet of ramp for \$41,000

MB - unsure about the 58 foot ramp
 - but all other paths are walkway

AB - *grant as proposed*

MB - *second - carries*

5) Incoming: Dalton St. Sidewalk, East Side from Boylston to Scoccia, Boston (V13-286)

TH - EXHIBIT – variance application

- \$8.1 million bridge deck replacement project
- they want to put the street and sidewalks back as it currently is
- existing cross slopes at the sidewalks are very noncompliant
- to try to raise the bridge deck to raise the road surface to correct the sidewalks
- the businesses along the street are all currently accessible at grade
- all of the entrances would be noncompliant and most likely the businesses would have to close if the road was raised
- to try to comply would add hundreds of millions of dollars and would require businesses and that the roadway to the Hynes Convention Center for deliveries would have to close
- scope of the project

MB - *grant the variance as proposed, on the condition that they improve what they can; based on technical infeasibility*

MT - *second – carries*

Diane McLeod, Vice Chair (DM) – Now Present

6) Discussion: Tadpole Children’s Boutique, 58-60 Clarendon St., Boston (V13-182)

TH - EXHIBIT – submittal of required policy

- read policy into the record

MB - *accept the policy*

AB - *second - carries*

7) Discussion: Grafton Town House, 1 Grafton Common, Grafton (V10-081)

TH - EXHIBIT – newspaper article

- voters rejected the funding for the project
- original work on the building triggered full compliance in 2010
- now states that cannot look at access until May of 2014 since funding was rejected
- community building with Town Offices and community auditorium
- triggered full compliance in 2010
- can get into the first floor and basement from accessible entrance

MB - only allow the areas of the building that are accessible to remain open, and require that all other areas of the building which are not accessible shall be closed, and have staff post to shut down the inaccessible areas of the building; have within 30 days of the posting to have those spaces closed to the public; to remain closed until such time that they are made accessible

RG - second – carries

8) Discussion: Lancaster Community Center, 39 Harvard Rd., Lancaster (V10-085)

- TH - EXHIBIT – submittal from Petitioners
- 10/21/13 gave them deadline to have the lift installed
 - KS asked if Board wants a finite date for the submittal of copy of check

MB - check and order by 12/15/13

AB - second – carries

9) Discussion: Deerfield Academy Center for the Arts, Boyden Lane, Deerfield (V12-182)

- TH - EXHIBIT – submittal for seeking change in seating at the back of the auditorium
- originally approved on 10/15/12 with specific plan for rear of the auditorium
 - had proposed handrails all along aisles
 - now proposing to change how you get to the accessible seating and shorten the handrails at the aisle since towards the front of the auditorium the aisle is compliant and therefore handrails not required
 - new door from corridor, not proposing center accessible entrance anymore

MB - no accessible path of travel from accessible seating to the stage from within the venue

- TH - either keep the seating sloped or bring it up to level and create the step
- therefore have to create the separate entrance

CS - would like to see signage posted

MB - can someone get to the front of the auditorium from the accessible seating?

TH - yes

TH - everyone has to leave the auditorium to get to the stage

MB - grant, based on technological infeasibility

AB - second – carries with CS opposed

10) Discussion: Deerfield Academy Center for the Arts, Boyden Lane, Deerfield (V12-182) – Cont'd

MB - reopen previous discussion

RG - second – carries

MB - need to have them put something on the step at the accessible seating box

MB - warning strip at step to accessible seating

MT - second – carries

11) Discussion: Crockett House, 78 Oxford St., Cambridge (V13-148)

TH - EXHIBIT - submittal from Kevin Murphy regarding assignment policy and resident questionnaire
- read policy into record

CS - confused by the sentence after the accessibility request
- would like to eliminate that sentence or perhaps put it at the end since students needs and family needs should come first

RG - should commend them on your questionnaire

CS - accept the policy with moving the sentence “any other factors that create...” to the end of the policy; and commend the questionnaire

DM - second – carries

12) Incoming: Shake Shack, 92 Winthrop St., Cambridge (V13-281)

TH - EXHIBIT – variance application
- tenant fit-out and new entrance vestibule
- over 30% of the value of the tenant space
- seeking variance for 28.1, vertical access within the space
- common lobby elevator
- Larry Brahman wrote to the Board, no objections
- elevator is within 10 feet of the entrance
- accessible bathrooms are at the second floor, where all of the bathrooms are located

MT - grant

MB - second - carries

- Brief Break -

13) Discussion: Deerfield Academy, Deerfield (V13-197) – Cont'd

- CS* - move to reopen
- no second, motion fails

14) Incoming: Senior Center at the Heights, 300 Hillside Avenue, Needham (V13-291)

- TH - EXHIBIT – variance application
- new construction
- variance for first floor men's room, required to be 54", provide 52"

- MB* - grant
- DM* - second – carries

15) Discussion: Southwick Florist, 636 College Highway, Southwick (C09-077 & V13-163)

- TH - make note about medical condition as Exhibit 2

- CS* - EXHIBIT 2 shall be fax from petitioners
- MT* - second – carries

- TH - did not deal with stair handrails during previous discussion
- existing handrails are 2x4's on edge

- MB* - handrails shall be made compliant by January 1, 2013
- MT* - second – carries

- CS* - add and expedite decision
- MB* - second – carries

16) Discussion: Middlesex House of Correction, Billerica

- TH - new building being added to Building #2
- over 30%, triggers full compliance
- had previously agreed that variance submitted by 11/1/13 and then permit issued
- seeking an additional 8-10 weeks for the preparation of the variance
- initial reviews have cited 100 areas of noncompliance, may be narrowed down to 40 variance requests

- CS* - allow until the first or second meeting to submit the variance application, reaffirm the issuance of the permit
- DM* - second – carries

17) Incoming: Canoe Club Ballroom, 2 South St., West Bridgewater (C12-086 & V13-282)

- TH - EXHIBIT – variance application
- original citation, site visit by compliance officer Mark Dempsey on April 13, 2013
- took 6 months to submit variance application
- now contesting some of the jurisdiction, specifically to the gazebo that was built

CS - *Complaint and Variance Hearing*
MT - *second – carries*

18) Discussion: Questions on cases of the day

- CS - Whitman Park
- looked at what they have done since

- TH - only fixed 2 curb cuts since then
- building inspector has been obstinate throughout this case
- last meeting the building inspector requested that the hearing be canceled since work was done
- need to get to a resolution on this case

- CS - accessible picnic tables?

TH - extend the ends or table away portion of the fixed seating

- TH - Shaker Village, timeframes were set but new people involved
- new director is appearing

- CS - Garman Hall, 65% of the rooms are accessible?

TH - tiny building, quite possible
- small historic building
- tried to get out of the 30% rule at the beginning of the project
- boiler project triggered 30%, nothing else was done to the building in years, so no reason for a new value other than standard system values
- permit to go forward with the boiler work on the condition that variance was submitted
- seeking variance for vertical access to the building

- CS - usual questions about visitability for parents

TH - need to consider size of the building

- MT - 3300 square feet per floor

- TH - Pentucket Regional, they are seeking an additional year

- CS - entrance on the north porch with a lift, what is that facing?

MT - facing the parking lot

19) Discussion: Dorm for Disabled, 40 Chase St., Newton (V13-197)

- TH - EXHIBIT – submittal from Petitioner
- vertical wheelchair lift now proposed to be installed to access the first and second floors
 - need variance from elevator Board

DM - accept the current plan to be finished as part of the current construction project; and letter of support to the elevator board from our board

RG - second - carries

20) Incoming: Comfort Station, State Forrest, Crossover Road, Pittsfield (V13-283)

- TH - EXHIBIT – variance application
- work is done, except for the installation of one grab bar
 - variance for 31.5.71a, grab bar height for two single accessible shower rooms
 - one grab bar will be mounted at 32 5/8” inch, a small portion of the grab bar will be in contact with the shower valve encasement

DM - grant both as proposed

MB - second - carries

21) Incoming: Central Fire Station, Farmer’s Row, Groton (V13-292)

- TH - EXHIBIT – variance application
- new fire station
 - seeking variance for two doors installed during construction which were not installed as originally intended
 - don’t meet 26.6.4 in the public areas
 - cost to fix both is \$3,281

MB - deny

MT - second – carries

22) Incoming: Curb Cuts and Sidewalks over River St. Bridge, Cambridge (V13-288)

- TH - EXHIBIT – variance application
- spending a large amount of money on the bridge renovation
 - Commission is opposed to the variance application
 - sidewalk slopes of 5.92% and 6.92%, improving the structural strength of the bridge
 - current sidewalks comply
 - proposing 30” water mains to be carried over the bridge, therefore need to add to the structural strength of the bridge

DM - however Mass DOT provides no rational for historic nature and changes

MB - has Mass DOT provided an explanation as to why they cannot comply?

CS - *hearing*

MB - *second - carries*

NO MORE MB

23) Hearing: Whitman Park, Park Avenue, Whitman (C13-000)

WW - called to order at 11 a.m.

- introduce the Board

Frank Lynam, Whitman Town Administrator (FL)

Robert Curran, Whitman Building Inspector (RC)

Gregory Enos, Whitman Assistant Town Administrator (GE)

Matthew Tobin, Town Counsel, Murphy Lamery Murphy (MTo)

Bruce Martin, Whitman DPW, Highway Superintendent (BM)

Janet Hose, Active Amputee Support Group of Eastern Mass (JH)

Mark Dempsey, Compliance Officer for the Board (MD)

Catherine Johnson, Complainant (CJ)

Chris Becker, Massachusetts Office on Disability (CB)

WW - all but GE and counsel (MTo) sworn in

- EXHIBIT 1 – AAB1-62

CJ - when they started working on the park, went to RC the “ADA person in town”

- was told to see June O’Leary, who was a selectman that was given the park as her property to beautify

- met with June O’Leary, keeping the park historical

- but I said that it was not accessible

- first raised in 2007

- tried many times to work with the Town, but “fell on deaf ears”

WW - are there still items in the park that are not in compliance

CJ - yes, the whole park, cannot use it

- have also gotten stuck in the park, since I got stuck in the park

MD - received the Complaint in December/January

- first notice sent out 2/12/13

- town submitted letter seeking time on time to comply

- time was granted

- but no timeline or objection to the complaints submitted

CB - CJ asked MOD to do a site survey
- did a site survey in November of 2012
- done in order to identify barriers that exist
- looked at the entire facility and list all barriers whether new or existing, and then determine how to cite any noted violations
- cited 2006 regulations, with the understanding that a lot of the work had recently been done; pathways within the park, curb cuts, and benches and chairs
- there may be some things in the MOD report that were done before 2006, and may have to refer to prior codes
- complaint submitted was based on MOD
- do not represent the complainant, but worked with her to help submit the complaint

CS - report of 9/18/2012

CB - report is dated 9/18/12
- found violations of work performed

CS - those are cited on AAB1?

CB - yes, do represent what is represented in the report

DM - find in favor of the complainant

RG - second – carries with CS opposed

WW - there are violations on the site
- but main goal is to get the work fixed and timeline

MTo - park is over 100 years old
- Olmstead designed park
- sprawling park, with many slopes and grades throughout
- over the course of recent history have tried to use some town monies to make certain improvements to the park
- also been designated as historical site
- CB report was comprehensive report
- Town Administrator and Building Inspector have a copy of the report
- over the course of the past year, there have been a series of improvements to the park
- DPW is here to explain work done since the report was issued
- New curb cut at Park and Maple
- another curb cut at Hayden Ave.
- curb cut that will be completed this fall and sidewalk has been replaced
- 14 acre park
- Town is not ignoring the report, Town has been in regular contact with State Officials, and has provided updates, but probably not as substantive as required
- unsure of the number of \$500,000 worth of work done within the park

- efforts are underway, some will be completed this fall, others will be completed in the spring
- issues cite by the report the Town would like clarification of work cited
- stairs affixed to the gazebo in the past years, 9-10 feet above grade
- sidewalks throughout the Town
- copy of the gazebo in the packet
- submit packet of pictures

WW - EXHIBIT #2 – packet of pictures numbered 1-26

MTo - picture of gazebo is #5 in the packet
 - stairs added recently

BM - purchased approximately 8 years ago

WW - any permit?

RC - no permit, since they were often removed and then added; permanent stairs added recently

MTo - cost of a lift would be significant
 - can remove the stairs

WW - would need a variance to maintain the stairs

MTo - can remove them until monies are available to create access
 - will probably seek a variance on this item
 - other item is the lack of access to playground equipment
 - material that would be required to provide access to the playground equipment is accessible
 - spring project to create access throughout the playground

MTo - access to the basketball court
 - never an improved path to that area of the ballpark
 - also reported issue with cobblestone entranceway to the park
 - cobblestone is not a pedestrian walkway, just a service entrance to the ballpark
 - installed in the last 5 years
 - #21 in Exhibit 2 is also a picture of the cobblestone
 - no curb cut at the opposite side of the street
 - but there is a new curb cut installed within 100 feet
 - therefore “think that no issue of compliance”
 - park tables has been modified to create an accessible route to one side of the picnic tables
 - park benches installed 53 total, with 50% currently accessible
 - will seek variances were needed
 - will continue compliance efforts through the fall and into the spring

DM - attempted to provide updates to the state all along?

- MTo - review of the file noted that there were ongoing dialogue between the agencies
- MD - every discussion is in the hearing packet
- CB - main discussions with the town were regarding \$500,000
- \$500,000 number in the report was not intended to suggest jurisdiction on the park
- complaint was based on work performed
- but do believe that they may have triggered full compliance for the entire park to comply with prior revisions of AAB
- DM - series of improvements done over the past year
- BM - replaced sidewalks along Park Ave., and replaced broken curbing along Whitman Ave., installed 3 new curb cuts
- replaced path mix to upper level of the park
- need to know what is compliant and is not
- upper park has stone dust with 3/8" chip that is hard-packed
- that is 1/3 of the park
- there is a funding issue to maintain the park, Friends of the Park raises the funds and sometimes the Town matches those funds
- DM - work done, especially the benches, if they were installed, they should have been accessible
- very upsetting to see the lack of access
- would like to see full pictures of the entire park and a timeframe for compliance
- RG - restate what DM said
- needed a transition plan
- DM - should have done things right from the get go
- need a disability commission or some sort of disability organization to work with
- AB - was the rut that you got stuck in the rut part of the new path
CJ - no it was the older portion of the walkway
- did not see slope of the path
- got stuck in the gravel, which was a new installation
- CJ - submit pictures of the new path
WW - accept submittal of pictures as EXHIBIT 3
- AB - would need a maintenance plan to maintain the paths of travel
- CS - confused about what has been done
- CJ - cannot get from the street to the pool or the playground

- some have no paths
- wanted to go towards the pool, but had to turn back

DM - pictures show it is grass or gravel

CJ - curbs with hard-packed gravel

RC - pathway at a sidewalk, decided mix was no good
 - all the pathways are getting redone
 - order was given to the town based on \$500,000 spent, but \$500,000 not spent
 - cited by MD to be in full compliance based on work spent
 - has worked with CJ for years
 - sent to O'Leary as member of friends of the park to discuss pathway mix
 - curb cuts being done throughout the town
 - just did work at Stetson and Commercial
 - need to maintain the other areas of the park
 - took request for accessible path of travel by resident and made that priority

CS - benches, 50% are accessible

RC - called for help on this, but unsure of right answer
 - there is flat surface in front of them

CS - platform for bench are not accessible
 RC - but area next to the bench

MTo - walked the park with RC on Wednesday
 - some areas is stone dust that is not hard packed
 - other areas are hard-packed
 - Town does conceded that there are some areas are noncompliant, but not the entire cited complaint
 - does not want to put down a noncompliant surface material
 - need to know what a suitable surface material is

MT - overall plan, and remember noted that a joint letter from Town Administrator and Building Commissioner (AAB24)
 - sought additional time to mid-May, plan for improvements to be submitted to the Board as soon as a registered architect is hired

FL - did seek funding for additional work on the park
 - received limited procreation of about \$4,000
 - topography of the park makes it almost impossible to traverse through some areas
 - 7-8 difference in height from path and statue for display
 - no other way other than bulldozing areas to create access to those areas
 - Whitman exceeded the levy limit for Prop 2 ½

- cut budgets by \$500,000
- cost of engaging an architect is costly
- next shot is not until May of 2014
- working within appropriations that they have and the money that they are able to raise thru the “Friends of the Park” group
- don’t have very knowledgeable people in regards to ADA and access
- park was given to the Town 130 years ago

- TH
- want to help on guidance for surface of the paths and the playground
 - aggregate of 3/8”, that in itself is a violation of 521 CMR 22.4, 1/4” change in surface only allowed
 - stone dust allowed if hard packed
 - Section 19 has not changed since 1996, and requirement for pathways in the park are subject to that section
 - woodchips do not comply
 - can use woodchips to cover the playground, but need pathways to serve each play element and path around the playground
 - paths are really important to the playground equipment
 - 8 foot change in level can be subject to the variance procedure
 - the Board will not require flattening of the space, understand those issues
 - ADA Coordinator and Building Commissioner should not be the same, Building Commissioner required to enforce 521 CMR; should be two separate people
 - even if building permit not required, still required to comply with all applicable sections of 521 CMR

- DM
- also people within the community who can be helpful; as well as AAB and MOD
 - cannot treat them as us and them
 - not about a favor
 - gather citizens in community to help out

- CS
- is there a disability commission
 - friends of the park should have members

DM - all of the elements listed as inaccessible, need to submit timeline and/or variance application submitted by 2/1/14, plan for action for each of those items

RG - second –

CS - May Town Meeting

DM - but have to have plan first

- MTo
- submission of plan and variances submitted together

24) Hearing: Shaker Village, Trustees Office, 1843 West Housatonic, Pittsfield (V11-161)

- WW
- call to order at 1 p.m.
 - introduce the Board

Linda Steigleder, President Hancock Shaker Village (LS)

WW - LS sworn in
- EXHIBIT 1 – AAB1-42

TH - new letter from Linda Steigleder
WW - EXHIBIT 2
- reason for the hearing is to do a meet and greet with the new President
- variance was originally requested by architectural firm
- decisions are AAB8-10 and AAB34-42
- here to reiterate decision

LS - just need funding
- at this point, should cover some work done to create access into the building
- current funding will do that
- nothing more than the original access plans built, as shown on AAB29
- can send out more information once the work plans are proposed
- new architect Anthony Barnaba of Blue Line Design in Pittsfield

TH - failure of understanding the mission of the work and the need for planning the funding
- triggered work needed to add access to the funding

KS - note areas of the decision which still require notification from the Petitioners
- status reports required every January 1st and June 1st

LS - may now use predesigned ramp
TH - the decision required that permanent ramp
- it will have concrete footings
- premade with concrete footings
- will submit plans prior to work being done
- did bid out a ramp, but architect stated that it was too much money
- the proposal for the ramp currently proposing will be submitted to the Board within the week
- wanted to come here with drawings but the architect did not get them in
- will report twice a year if not sooner
- as soon as it is reviewed and approved by the Board will install, hoping to do so before the building reopens in April

MT - would like to see cost of permanent ramp vs. modular ramp

DM - have design submitted for both a permanent and modular ramp by December 31, 2013, plans and costs

MT - second - carries

25) Discussion: Powerhouse, 10 East Dr., Amherst (V13-258)

TH - EXHIBIT – follow-up submittal from 10/21/13 hearing
- submittal regarding mezzanine area
- sightlines submitted

CS - reading the submittal, will understand the submittal of the affidavit

MT - 575 square feet

TH - \$51,000 for a lift, still seeking a variance to not provide access to the space

CS - just have them submit a sworn affidavit

CS - *grant the variance on the condition that the petitioners will not use the space for performance, but will only use it for overflow; or they can put in the vertical wheelchair lift*

DM - *second –*

WW - *need to prove impracticability*

TH - *spending \$1.5 million, they noted that they were over 30%*

WW - *lift would either be installed inside the mezzanine space and reduce the mezzanine space, or put it outside the mezzanine and would impact the space*

- *carries with DM, RG, and CS and MT and AB opposed; notarized affidavit submitted by 12/15/13*

26) Incoming: Rusty Anchor, 1451 North St., Pittsfield (V13-285)

TH - EXHIBIT – variance application
- spending over 30%
- seeking variance for the lack of vertical access
- seeking variance for ramp slope that was recently constructed

DM - *hearing*

AB - *second – carries*

TH - email back in August from June Hailer regarding the variance, but new submittal from her is different

27) Incoming Discussion: Shiso Kitchen, 374 Washington St., Somerville (V13-256)

TH - EXHIBIT – new submittal from Petitioners
- City will work with the owner to change the level of the sidewalk at the door
- in the interim wants to use a portable ramp
- requested more time to submit plans for ramp; but does not want to pay architect for the drawing

- spent over 30% of the value of her space

DM - *standby previous decision*

CS - *second – carries*

28) Incoming: Commercial Building, 16 State St., Newburyport (V13-293)

TH - EXHIBIT - variance application

- want to combine tenant spaces and connect with stair between upper and lower level

- spending over 30%

- seeking variance for 28.1, lack of vertical access

- proposing at grade entrances for each level

- three floors above with other commercial tenants

- ground floor is 494 square feet, basement is 252 square feet

- some sort of clothing store proposed

DM - should we put this off until issue of the rest of the common areas is dealt with?

WW - if they don't put the stair in then not an issue of vertical access

- don't think the BBRs will allow the installation of a winder stair

DM - *continue for more information to find out about the access to common use spaces*

AB - *second – carries*

29) Hearing: Garman Hall, 62 Boltwood Ave., Amherst (V13-221)

WW - called to order at 2 p.m.

- introduce the Board

Thomas Hartman, Architect (THa)

WW - THa sworn in

- EXHIBIT 1 – AAB1-35

TH - built in 1916 as a fraternity

- built up on a hill

- AAB4, letter from Mass Historic Commission

- first phase was an emergency mechanical replacement, which was approved to go forward, on the condition that the hearing before the Board be held

- scope of work for Phase 2, will be done in the summer of 2014

- AAB18, proposed scope of work: new lift, 1 interior handrail, exterior handrails, front walkway, renovating bathroom, renovating kitchen, renovating 2nd and 3rd floor door hardware

- going to repair the windows, add cooling component to HVAC, fix skylights and roof and paint

- proposing to spend \$490,000

- proposing a single public entrance
- will remove existing 2 steps and grade up to the entrance from the sidewalk with a walkway, create walkway to accessible parking space, and place a lift on the north side of the porch
- prefer to do a ramp, but it would be a substantial ramp to get up to the existing porch, but the proposed lift will be covered
- 29 students, and 23 BRs
- 65% of campus is accessible

THa - seeking variance for the entrance
 - proposing one accessible entrance, although three entrances into the building total

MT - two other entrances go into the same space

CS - where is the cafeteria?
 THa – everything other than the adjacent dorm are south/southeast of the building

CS - (tape)

AB - letter from Brona Simon supports location of the lift
 - like to see the plans showing where the ramp would not work

DM - grant the variances requested for the lack of access at the two inaccessible entrances, on the condition that access provided at the north entrance as proposed

RG - second – carries

THa - AAB31, shows elevator add to the building
 - considered LULA versus elevator, but once put a shaft in the building there is no difference
 - as a historic building, elevator would trigger replacing staircase under new IEBC
 - approximately \$300,000, based on the requirements for the elevator and the need to upgrade the staircase

CS - how many rooms on each floor?
 THa - 8 BRs on the second floor; 9 BRs on the third; and 6 on the first floor, with 3 proposed to be accessible
 - 65% are accessible
 - 1,272 accessible bedrooms on the campus
 - study done by Kessler and McGuiness

CS - concern with visitability and ability for parents to visit their kids
 - would want to see policy regarding assignment of dorm space for students with accessible needs and then for any student with family member requiring accessibility

DM - grant the lack of vertical access, based on excessive cost without benefit, on the condition that policy regarding preference for students with disabilities or students with family members with disabilities; and questionnaire proposed to initiate access questions for new students

CS - second - carries

THa - Common use toilets at the second and third floors

AB - add grab bars to some of the toilet rooms for those with some mobility impairments

DM - grant on the condition that compliant height toilet installed and best possible efforts for grab bars at all toilets on the second and third floor

MT - second – carries

THa - use of a lift at the front entrance

CS - if lift breaks down then the kid that lives there is not able to get into the building

DM - grant on the condition that call box into the building is at the base of the lift in case the lift is found to not be working

RG - second – carries with CS opposed

THa - open stair with low baluster and no handrail at outer wall
- proposing to add handrail at outer wall, will maintain the inner baluster
- proposing to not provide compliant handrails at servant stair

DM - grant, on the condition that wall side handrails installed for all but the servant stairways

RG - second – carries

THa - proposing to leave 22 doorways as is since they will be at the second and third floors

CS - grant as proposed

DM - second –carries

NO MORE DM

30) Hearing: Pentucket Regional High School, 24 Main St., West Newbury (V12-239)

WW - called to order at 3 p.m.

- introduce the Board

Michael Bergeron, Pentucket Regional Finance Director

Gregory Hadden, Facilities Manager for Pentucket Regional

- WW - both sworn in
- EXHIBIT 1 – AAB1-108
- TH - had originally granted until 8/15/13
- sought additional time on 8/14/13
- hearing scheduled as a result of that request
- GH - plan developed within the last year
- new rendering
- WW - new rendering of plan of field – EXHIBIT 2
- GH - been working with Gale for the past 10 months with a design
- relocates the field to the front of the school; currently located at the back of the school
- one component of the plan was the acquisition of a residential property, but they are not willing to sell the property for what they are available to buy for
- earlier on, the residents were willing to sell the property and they now are not willing
- so now have to redesign once again
- momentum is now lost and have to start over
- do have capital to move forward, but need to resurvey and relay things out
- leaves everything in place, and need more time to reorganize
- MB - when first developed the plan, brought homeowners in to a public meeting
- when negotiating with the homeowners began they did not want to accept the proposal
- only allowed to pay 125% of the assessed value of the home
- now need to address the press box
- CS - when submittal for request was sent on August 14, 2013, knew about the issue with the unavailability to sell the home
- MB - yes, knew that there would be an issue with agreeing on price
- CS - the work outlined in the 2012 decision has not yet been done?
GH - no, because have to represent plan with solution for access to press box
- MB - already received bond of \$700,000 for the work to begin
- asking for the money to be held to be returned to the school for the project funding
- couldn't go forward until the house was bought
- AB - using the press box currently
- GH - press box was donated
- intent is to pick up the press box and put it on a new foundation

MB - plan currently working on, is to leave the football field where it is and then provide access to the existing press box

GH - currently accessed by walking up the existing bleachers and into the press box
- can do a switchback ramp or elevator or lift

RG - just want to make clear that not “kicking the can down the road”?

MB - committed to a solution and have the money available, just a matter of redesign

CS - grant until September 1, 2014, based on testimony of current circumstances; on the condition that status reports submitted by April 1, 2014, with plans for press box access to be submit on or before that date

MT - second - carries

31) Incoming: Great Wolf Lodge, 150 Royal Plaza Dr., Fitchburg (V13-289)

TH - EXHIBIT – variance application
- stair that is above the surface of the pool deck, and then crawl into the pool
- our regulations do not contemplate this as a solution, but new ADA does
- would like to see sockets for lift

CS - approve the design, on the condition that they provide a Hoya lift as well, with two sockets provided; and a beach chair for the zero entry area as proposed by CLW

RG - second – carries

MT - have subcommittee look into the ADA proposals

AB - second – carries

32) Incoming: Apartment Building, 20, 20A Prescott Street, Cambridge (V13-290)

TH - EXHIBIT – variance application
- residential apartment building, basement and 5 stories above grade
- spending over 30%
- seeking 4 variances
- 9.4.2, proposing to provide required 2 Group 2A units at the first floor

CS - grant as proposed for location of Group 2A units

MT - second – carries

TH - seeking relief for 4 existing stairs, which they are seeking complete relief for
- installing 2 new egress stairs that will be fully compliant

CS - where are the noncompliant vs. compliant stairs?

TH - show floor plan
- two existing elevators as well, which are wrapped by existing egress stairs

AB - *accept on the condition that the other stairs are built as proposed*

RG - *second – carries with CS opposed*

TH - existing elevators have cab size of 46” by 47” and 48” by 48” required under exception, but one door is 24” and one is 28” for clear widths

CS - what about signage that says “not usable by wheelchairs” so that people know that they cannot use it, or people that visit them cannot use the elevator

RG - noted in the lease so that residents are aware of the fact that elevator is not usable by persons in wheelchairs

CS – *grant on the condition that there is a sign next to the elevator that says not usable by wheelchairs*

WW – *no second, motion fails*

MT – *grant based on the fact that technologically infeasible*

WW - *no second, motion fails*

CS - *grant on the condition that lease language or notice to residents that wheelchair not usable by wheelchairs*

RG - *second – carries*

TH - use of a vertical wheelchair lift to serve Prescott Street entrance, previous lift and entrance approved in 1990 for the rear

CS - *grant as proposed on the condition that they maintain the existing rear wheelchair lift (no key)*

RG - *second – carries*

33) Incoming: Lodging House, 12 Park Ave., Hull (V12-028)

TH - EXHIBIT – submittal from Independence Associates
- access that was constructed was different than what was accepted by the Board previously
- need to meet with the building owner and contractor to discuss why the plan was changed

MT - *require building owner and contractor to meet with TH to discuss why the plan was changed during construction*

RG - *second – carries*

34) Discussion: Ventfort Hall Building, 104 Walker St., Lenox (V13-110)

TH - EXHIBIT – submittal from Petitioners

- ramps at the entrance, pictures show noncompliant handrails and open risers at the exterior
- door hardware at the accessible entrance is a knob
- railings are not continuous

MT - cite the violations of ramp handrails, knob at entrance door, and open risers

AB - second – carries

AB - contact the architect and note that submittal does not comply with the previous order of the Board

RG - second – carries

CS - accept the submitted photographs of the upper floors, on the condition that they are provided to anyone that is unable to get to the second floor

MT - second – carries

35) Discussion: Ward Hill Church of Christ, 63 L St., Bradford (V13-171)

TH - submittal of permits for past

AB - submit permit history of past ten years and submit by 12/1/13

MT - second – carries

36) Advisory Opinion: John Rich, Project Superintendent and question regarding Braille signage

TH - sign on the door says classroom 6, room 204
 - Braille only says 204, does not say classroom 6

MT - Braille should say same as permanent signage

RG - second – carries

37) Incoming Discussion: Commercial Building, 66 Central St., Wellesley

TH - proposed to put in a LULA
 - asked until 2018 because of the existing lease since they do not have access to the space
 - proposing to change the use of some space at the second floor and combine spaces to create new gym space, which requires vertical access
 - two additional leases of 5 years

CS - depends on lease language

TH - did not tell us about the renewing lease previously to extend it out another 10 years
 - have not heard from the owner of the building
 - received Notice of Action and wanted to correct the language to allow another 10 years

MT - motion to deny the request to extend beyond previously ordered notice of action deadline

AB - second – carries

CS - but accept the extension from January to April 30, 2018

RG - second – carries

TH - change from Suite 1 to Suite A

38) Discussion: Barrington Stage Company, 36 Linden St., Pittsfield (V12-190)

TH - signage refers to lift that is not installed until 2014

MT - install signage as proposed and cover up lift language until lift is installed

CS - second – carries

39) Discussion: All Newton Music School, 321 Chestnut St., Newton (V11-138)

TH - KS highlighted that hinges and auto-opener still need deadlines

CS - hinges and auto-opener by December 1, 2013

AB - second – carries

40) Discussion: Last Shot Restaurant, 559 Washington St., Stoughton (C13-033)

TH - EXHIBIT – new submittal from building official 10/31/13

- 18” not provided at latch pull side

- nor are the ramp and railings compliant

- opinion of the Building Inspector it would be possible to regrade the area to create compliant slopes

CS - require that the area in front of the lift be regraded to 5%

AB - second – carries

CS - require an automatic door opener be installed

RG - second – carries

CS - require that the regrading and auto-opener be completed and verified as such by 1/1/14

AB - second – carries

41) Discussion: Meeting Minutes and Decisions from 10/7 and 10/21

KS - need to accept decisions and minutes from past two meetings

CS - accept the minutes and decisions from 10/7/13

RG - second – carries

CS - *accept the minutes and decisions (as amended) 10/21/13*

AB - *second – carries*

42) Advisory Opinion: David Greenberg & Deborah Dannecc, location of pedestrian signals on the slant of the curb cut

TH - can you put the pedestrian signal actuator within the curb cut angle?

CS - *as long as they can maneuver and the curb can be fully plowed during the winter months, then complies*

AB - *second – carries*

43) Advisory Opinion: Andrew Enright from Brunner Cott, Architect

TH - lobby stair question

- steel stair

- proposed riser, with sloped infill and $\frac{3}{4}$ " opening between riser and tread for ventilation

CS - *variance required*

AB - *second – carries*

44) Advisory Opinion: John Todd Sarcas

TH - new freestanding warehouse building which will be an accessory to an existing primary use

- will only be used for storage and warehousing of materials

- two bathrooms will be plumbed but not put in yet

- other building on the property is accessible

- office use and customer and visitors go to the existing building

- is new building required to be made accessible

CS - *more information and discussion about affidavits*

AB - *second – carries*

- End of Meeting -